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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,579	04/24/2000	Anders Eriksson	34645-00505USPT	7205

27045 7590 10/18/2004

ERICSSON INC.
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EXAMINER

LELE, TANMAY S

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/556,579

Applicant(s)

ERIKSSON ET AL.

Examiner

Tanmay S Lele

Art Unit

2684

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: (please see attached).
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-46

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Tanmay Lele
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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 23 August 2004 have been fully considered but they are not persuasive.

Regarding claims 1, 20, 33, 40, and 43, Applicant attempts to overcome the rejection by citing page 14, lines 16 – 22 and stating, “The specification therefore, teaches the concept of a first and second amount of noise suppression levels which are optimized. That the individual tuning is done in order to optimize the speech quality and the overall noise suppression level should be obvious to the one ‘skilled in the art.’” Examiner respectfully disagree that this teaches the concept of “characterized by said overall amount of noise suppression level is obtained by optimizing a linear combination of said first and second amount of noise suppression levels.” Note that from Merriam-Webster’s Collegiate Dictionary, 10th Edition, the definition of a “linear combination” is of “a mathematical entity (as $4x + 5y + 6z$) which is composed of sums and differences of elements (as variables, matrices, or functions) especially when the coefficients are not all zero,” and as claimed, “said overall amount of noise suppression level is obtained by *optimizing a linear combination* of said first and second amount of noise suppression levels.” It is respectfully believed Applicant’s cited sections, for example page 14, lines 16 – 22, teach of “...separately adapting the noise suppression for the pre and post NS as a function of noise level and noise spectral characteristics...” and thus not therefore optimizing the linear combination (as defined by Merriam Webster’s Dictionary 10th Edition) but more so the “...optimized for a given speech encoding/decoding system by separately adapting the noise suppression for the pre and post NS...”.

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It is respectfully believed that such a concept is further supported by Applicant's cited page 17, lines 18 – 23, where, "...another user receives the noise-suppressed signal (step 635), processes, e.g. decodes, the signal, and passes control to step 650, in which a second noise suppressor is applied to the received signal *and optimized...*" It is respectfully believed that, as stated above, an already noise suppressed signal is received and a second noise suppressor is applied and then optimized. This still is reverently not believed to meet the claimed, "overall amount of noise suppression level is obtained by optimizing a linear combination of said first and second amount of noise suppression levels" since the optimization (or perfection) is done separately and not therefore not specifically optimizing a linear combination of said first and second amount of noise suppression levels (which by definition would entail the optimization of a mathematical entity, as an example optimizing the sum of $NS_{pre} + NS_{post}$ as a mathematical entity). Hence, Examiner is not persuaded by Applicant's arguments that the claimed, as generally accepted, is specifically taught or recited in the specification.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tanmay S Lele
Examiner
Art Unit 2684

tsl
October 12, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINEE